Criminal Revision No. 205 of 2001
(Old No. 1119/1993)

**Hon. Irshad Hussain, J.**

None appear for the revisionist. A.G.A. present.

Peruses the record. The revision under Section 397/401 of the Code of Criminal Procedure (for short 'Code') was preferred against the judgment and order dated 10.8.1993 passed by the Sub-Divisional Magistrate, Lansdown, Garhwal in proceedings drawn under Section 145 of the Code. In the ground it is mentioned that some civil suit for relief of permanent injuction was pending disposal between the parties. A decision under Section 145 is not bounding on the civil suit and since the matter is old one, the civil suit must have been decided in terms of which the successful party must have had obtained the possession of the property regarding which the alleged apprehension of breech of peace was found to exist. Considering this, it does not appear to survive and the revision has been rendered infructuous by lapse of time and also on account of the decision in the civil suit.

In view of the above, the revision is dismissed and the stay order dated 23.8.1993 vacated. Consigned.

**(Irshad Hussain, J.)**

Dated 2.12.2003
Rawat